

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.17535 of 2013 &

M.P.No.1 of 2013

Bilal Basha

.. Petitioner

Vs.

1.Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar, Chennai - 600 001.

2.The Superintendent of Wakf Board,
4A, 5A, Tippu Sultan Commercial Complex,
1st Agraharam, Salem - 636 001.

2.Inspector of Wakf Board,
4A, 5A, Tippu Sultan Commercial Complex,
1st Agraharam, Salem - 636 001.

4.Noorul Islam Masjid,
Post Office Street, Salem Junction,
Salem - 636 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's petition dated 08.06.2011 and heard on 05.03.2013 pending with the first respondent Wakf Board receiving its order.

For Petitioner : Mr.S.A.Akbar

For Respondents : Mr.S.Haja Mohideen Gisthi for R1
Ms.Zeenath Begum for R4
No appearance for R2 and R3

O R D E R

Heard Mr.S.A.Akbar, learned counsel for the petitioner; Mr.S.Haja Mohideen Gisthi, learned counsel for the first respondent; Ms.Zeenath Begum, learned counsel for the fourth respondent and perused the materials available on record. Despite service, second and third respondents have not chosen to

appear and contest the petition.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to dispose of the petitioner's representation dated 08.06.2011.

3. It seems that the petitioner sent a representation to the first respondent alleging that the Muthavalli of Salem Noorul Islam Masjid conducted election on 10.06.2011 in contravention of the directions issued by the Wakf Board.

4. The learned counsel for the fourth respondent submitted that challenging the election held on 10.06.2011, the petitioner preferred W.O.P.Nos.No.1 of 2011 and 2 of 2011 before the Wakf Board Tribunal and they were dismissed on 13.09.2013. No further challenge was made by the petitioner and hence the first respondent has no legal obligation to pass orders on the representation of the petitioner.

5. A perusal of the representation dated 08.06.2011 would show that the petitioner sent representation to the Chief Minister of Tamil Nadu and a copy was marked to the first respondent. Based on the representation, an enquiry notice dated 21.02.2013 was issued by the first respondent to conduct enquiry on 05.03.2013. It is further seen that the petitioner, who lost his case before the Wakf Tribunal had sent another representation on 05.03.2013.

6. It is well settled that Mandamus can be issued to discharge a legal obligation cast upon the respondents and it cannot be issued in a routine or casual manner. In the instant case, no materials have been placed to show that the respondents have an obligation to consider the representation of the petitioner.

7. In that view, I find no merit in the Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

r n s

+1cc to Mr.ZEENATH BEGUM Advocate, S.R.No.44642

+1cc to Mr.SA.AKBAR Advocate, S.R.No.44432

+1cc to Mr.S.HAJA MOHIDEEN GISTHI Advocate, S.R.No. 44752

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VBA (CO)
TR(27/07/2018)



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